

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

AVITUS, INC.,

Plaintiff/Counter-Defendant,

vs.

NEA DELIVERY, LLC and
NICHOLAS BULCAO, individually,

Defendants/Counter-Claimants.

CV 17-69-BLG-TJC

**ORDER ON AMENDED MOTION
TO WITHDRAW AS COUNSEL**

Before the Court is an Amended Motion to Withdraw as Counsel of Record, filed by Michael F. McGuinness and James A. Patten (collectively, “Counsel”), counsel for defendants NEA Delivery, LLC and Nicholas Bulcao (collectively, “Defendants”). (Doc. 39.) Counsel indicates that plaintiff Avitus, Inc. does not oppose the motion. (*Id.* at 2.) Counsel indicates further, however, that Defendants do not consent to withdrawal. (*Id.* at 1; *see* D. Mont. L.R. 83.3(b).) Accordingly,

IT IS ORDERED that, on or before **November 17, 2017**, Defendants shall file a response to Counsel’s motion to withdraw. The response brief must be filed unsealed, but Defendants may seek leave from the Court if they wish to file any supporting affidavits or exhibits under seal. Absent the filing of a timely response, the Court will grant Counsel’s motion to withdraw.

Counsel may not file a reply brief unless, upon review of Defendants' response, the Court orders that a reply brief may be filed.

DATED this 3rd day of November, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge